

REMARKS

This paper is filed in response to the Office Action mailed September 29, 2005, in which claims 1-41 were pending in the above-referenced application. Claims 1-41 were rejected. By this paper, independent claims 1, 21, and 31 have been amended and dependent claims 5, 7, 20, 23, 25, 27, 36, 38 and 40 have been amended.

Applicants extend appreciation to the Examiner for the Interview conducted with Applicants' attorney on October 17, 2005. At the Interview, amendments were discussed with respect to claims 1 and 21 which it was agreed distinguished these claims over the prior art of record. Amended independent claims 1 and 21 include the limitations discussed in the Interview. It was agreed that it was not necessary to amend claim 31 to overcome the prior art of record.

An additional limitation has been added to independent claims 1, 21 and 31. In claims 1 and 21, the additional limitation recites that: "the fluid occluder has at least one property, which in cooperation with the perimeter of the conduit, enables a sufficient amount of the fluid occluder to remain in the conduit such that the body fluid is prevented from extending into the entire length of the conduit until occlusion is no longer needed." Claim 31 recites the same limitation with respect to the fluid occluding means. An example of support for this limitation is at paragraphs 51-59 and also the inherent teachings of the Application as understood by a person having ordinary skill in the art. So when the perimeter of the conduit has an appropriate diameter, at least one property of the fluid occluder, such as its viscosity and/or surface tension, enables a sufficient amount of the fluid occluder to remain in the conduit such that the body fluid is prevented from extending into the entire length of the conduit until occlusion is no longer

needed." One of ordinary skill in the art will appreciate that for a fluid occluder with a low viscosity such as saline solution, the tube diameter is much smaller than it is when the fluid occluder is a gel or other fluid which has a high viscosity.

Claim 20 has been amended to overcome the rejection based on 35 USC §112, second paragraph.

Claims 1, 8 and 10-15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,595,941 to Blatter. Claims 2, 3, 17, 18, 22, 26-34 and 39-41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,663,590 to Blatter. As discussed during the Interview, these rejections are overcome based on the amendments to independent claims 1 and 21. Also, the rejection of independent claim 31 is moot in light of the definition of fluid occluding means at paragraph 59 on page 16.

Claims 1, 2, 9-15, 17, 18, and 20 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,822,341 to Colone. As discussed during the Interview, Colone discloses a device having a solid occluder without a port.

Claims 3-7, 21-30, 31, and 33-41 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,822,341 to Colone in view of U.S. Patent No. 5,797,879 to DeCampli et al. As discussed during the Interview, DeCampli occludes via a fluid enclosed in a balloon.

Claims 8 and 32 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,822,341 to Colone in view of U.S. Patent No. 5,797,879 to DeCampli et al., further in view of U.S. Patent No. 6,200,257 to Winkler. As also

discussed during the Interview, Winkler delivers a pharmacologically active agent via a permeable membrane of a balloon.

Claims 16 and 19 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,822,341 to Colone in view of U.S. Patent No. 4,421,507 to DeCampi et al. As also discussed during the Interview, Bokros occludes via a solid plug.

In view of the foregoing, it is believed that all of the claims are patentable in their present form, and a prompt notice of allowance for this case is respectfully requested. As mentioned above, if the Examiner finds any remaining impediment to the prompt allowance of this application, please contact the undersigned attorney.

DATED this 15TH day of DECEMBER 2005.

Respectfully submitted,



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